

“Chapter 10.04

STORM WATER AND URBAN RUNOFF POLLUTION CONTROL

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10.04.010

Definitions.

For the purposes of this Chapter the following words and phrases shall have the meanings respectively ascribed to them by this Chapter. Words and phrases not ascribed a meaning by this Chapter shall have the meanings ascribed by the regulations implementing the National Pollutant Discharge Elimination System, Clean Water Act § 402, 33 U.S.C. § 1342(p), including, but not limited to 40 C.F.R. § 122.2 and 40 C.F.R. § 122.26.(b), and Division 7 of the California Water Code, as they may be amended from time to time, if defined therein, and if not, to the definitions in an applicable permit issued by the California Regional Water Quality Control Board - Los Angeles, as such permits may be amended from time to time.

Automotive Service Facility means a facility in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 5511, 7532-7534, or 7536-7539.

Best Management Practices or **BMPs** means methods, measures, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce Pollutants in discharges to the MS4 and thence into waters of the United States. BMPs include treatment requirements, operating procedures and practices to control runoff, spillage or leaks, sludge or waste disposal and drainage from raw material storage; public education and outreach; proper planning of development projects; structural and non-structural controls; and operations and maintenance procedures which can be applied before, during and after pollution-producing activities, including, but not limited to proper clean-out of catch basins and proper waste handling and disposal. See 40 C.F.R. § 122.2.

Discharge means any release, spill, leak, pump, flow, escape, dumping or disposal, of any

Pollutant, from any point source, into the environment, including waters of the United States, and City's MS4.

Hazardous Materials means any materials, wastes or mixture of wastes defined as a "Hazardous Substance" or "Hazardous Waste" pursuant to § 311(b)(2) of the Clean Water Act, 33 U.S.C. § 1321(b)(2), or the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. §§ 6901 *et seq.*, the Comprehensive Environmental Response, Compensation and Liability Act ("CERCLA"), 42 U.S.C. §§ 9601 *et seq.*, or the Carpenter-Presley-Tanner Hazardous Substance Account Act, ("HSAA"), California Health and Safety Code §§ 25300, *et seq.*, and all future amendments to any of them, or as defined by the State Water Resources Control Board or the California Regional Water Quality Control Board - Los Angeles. Where there is a conflict in the definitions employed by two or more agencies having jurisdiction over hazardous waste or water pollution, the terms "Hazardous Materials" and "Hazardous Waste" shall be construed to have the broader, more encompassing definition.

Illicit Connection means any device or artifice, excluding roof drains and other similar connections, connected to the Municipal Separate Storm Sewer System, without a permit, through or by which an Illicit Discharge may be discharged. Examples include channels, pipelines, pipes, conduits, inlets and outlets connected directly to the Municipal Separate Storm Sewer System.

Illicit Discharge means any discharge to the MS4 that is not composed entirely of Storm Water except discharges pursuant to a NPDES permit, Permitted Discharges (which are exempt or conditionally exempt in accordance with any applicable order of the RWQCB-LA) and discharges resulting from fire fighting activities. "Illicit Discharge" includes but is not limited to wash waters from the cleaning of Retail Gasoline Outlets, auto repair garages and similar Automotive Service Facilities; runoff from mobile auto washing, steam cleaning and mobile carpet cleaning, and other similar mobile commercial and industrial operations; discharges from areas where repair of machinery and equipment, including, but not limited to motor vehicles which are visibly leaking oil, fluid or antifreeze, is undertaken; discharges of runoff to the MS4 from storage areas of materials containing grease, oil, or other Hazardous Substances, and uncovered receptacles containing Hazardous Materials; chlorinated or brominated swimming pool water and filter backwash; runoff from the washing of toxic materials from paved or unpaved areas; discharge of runoff from washing impervious surfaces at sites of industrial activity, unless specifically required by State or local health and safety codes; discharge of concrete or cement-laden wash water from concrete trucks, pumps, tools and equipment; litter; construction and demolition debris; fuel and chemical wastes; animal wastes; garbage, food and food processing wastes; cooking oil or grease; leaves, grass or other clippings, dirt or any other landscape debris or wastes; any pesticide, fungicide, or herbicide banned by or not registered with the United States Environmental Protection Agency or the California Department of Pesticide Regulation; wash or rinse water from any Restaurant or Automotive Service Facility floor mats; any liquid used as a cooling fluid in any radiator of any engine; batteries; and any other materials or solid waste which has potential adverse effects on water quality of receiving waters. "Illicit Discharge" also includes any other discharge to the MS4 that is prohibited by this Code, or any state or federal law.

Industrial/Commercial Facility means any facility involved used for the production,

manufacture, storage, transportation, distribution, exchange or sale of goods or commodities, and any facility used in providing professional and non-professional services. This category of facilities includes, but is not limited to, any facility defined by the Standard Industrial Classifications (SIC). Facility ownership (federal, state, municipal, private) and profit motive of the facility's owners or operators are not factors in this definition.

Municipal Separate Storm Sewer System or “**MS4**” means a conveyance or system of conveyances including municipal streets, alleys, catch basins, curbs, gutters, ditches, man-made channels, storm drains, conduits, or other facilities owned, operated, maintained or controlled by City and used for the purpose of collecting, storing, transporting or disposing of Storm Water, which are not part of a Publicly Owned Treatment Works, and which discharges directly or indirectly (through another agency's MS4) to waters of the United States.

Non-Storm Water Discharge means any discharge to a Municipal Separate Storm Sewer System that is not composed entirely of Storm Water. See Illicit Discharge above, and Permitted Discharge, below.

NPDES means the “National Pollutant Discharge Elimination System” established by § 402 of the Clean Water Act, 33 U.S.C. § 1342, as it, from time to time, may be amended.

Permitted Discharge means the following non-storm water discharges:

1. Discharges covered by a separate individual or general NPDES permit;
2. Natural flows, including the following:
 - a. Natural springs and rising ground water;
 - b. Flows from riparian habitats or wetlands;
 - c. Stream diversions, permitted by the State Board; and
 - d. Uncontaminated ground water infiltration [as defined by 40 CFR 35.2005(20)].
3. Flows from emergency fire fighting activity.
4. Flows incidental to urban activities, including the following:
 - a. Reclaimed and potable landscape irrigation runoff;
 - b. Potable drinking water supply and distribution system releases (consistent with American Water Works Association guidelines for dechlorination and suspended solids reduction practices);
 - c. Drains for foundations, footings, and crawl spaces;
 - d. Air conditioning condensate;
 - e. Dechlorinated/debrominated swimming pool discharges;
 - f. Dewatering of lakes and decorative fountains;
 - g. Non-commercial car washing by residents or by non-profit organizations; and
 - h. Sidewalk rinsing.

Pollutant means a “Pollutant” as defined in § 502(6) of the Clean Water Act, 33 U.S.C. 1362(6), or incorporated into California Water Code § 13373, discharged into water but shall not mean uncontaminated Storm Water, potable water or reclaimed water generated by a lawfully

permitted water treatment facility, or any substance, the discharge of which into the MS4, through Best Management Practices, has been reduced to the maximum extent practicable. Subject to the foregoing, "Pollutant" also includes but is not limited to wash waters from the cleaning of Retail Gasoline Outlets, auto repair garages and similar Automotive Service Facilities; runoff from mobile auto washing, steam cleaning and mobile carpet cleaning, and other similar mobile commercial and industrial operations; discharges from areas where repair of machinery and equipment, including, but not limited to motor vehicles which are visibly leaking oil, fluid or antifreeze, is undertaken; discharges of runoff to the MS4 from storage areas of materials containing grease, oil, or other Hazardous Substances, and uncovered receptacles containing Hazardous Materials; chlorinated or brominated swimming pool water and filter backwash; runoff from the washing of toxic materials from paved or unpaved areas; discharge of runoff from washing impervious surfaces at sites of industrial activity, unless specifically required by State or local health and safety codes; discharge of concrete or cement-laden wash water from concrete trucks, pumps, tools and equipment; litter; construction and demolition debris; fuel and chemical wastes; animal wastes; garbage, food and food processing wastes; cooking oil or grease; leaves, grass or other clippings, dirt or any other landscape debris or wastes; any pesticide, fungicide, or herbicide banned by or not registered with the United States Environmental Protection Agency or the California Department of Pesticide Regulation; wash or rinse water from any Restaurant or Automotive Service Facility floor mats; any liquid used as a cooling fluid in any radiator of any engine; batteries; and any other materials or solid waste which has potential adverse effects on water quality of receiving waters.

Restaurant means a facility that sells prepared foods and drinks for consumption, including stationary lunch counters and refreshment stands selling prepared foods and drinks for immediate consumption (SIC Code 5812).

Retail Gasoline Outlet or **RGO** means, for the purpose of this Chapter, any facility engaged in selling gasoline and lubricating oils.

Solid Waste shall have the meaning ascribed by Public Resources Code § 40191, as it, from time to time, may be amended.

Storm Drain (see Municipal Separate Storm Sewer System or "MS4," above).

Storm Water means Storm Water runoff, snow melt runoff, and surface runoff and drainage.

Storm Water Pollution Prevention Plan or **SWPPP** means a plan, as required by a State General Permit issued by the State Water Resources Control Board ("SWRCB"), identifying potential Pollutant sources and describing the design, placement and implementation of BMPs, to effectively prevent non-Storm Water Discharges and to reduce Pollutants in Storm Water Discharges during activities covered by the General Permit.

Structural BMP means any structural facility designed and constructed to mitigate the adverse impacts of Storm Water and urban runoff pollution (*e.g.* canopy, structural enclosure). The category may include both Treatment Control BMPs and Source Control BMPs.

Treatment Control BMP means any engineered system designed to remove pollutants by simple gravity settling of particulate pollutants, filtration, biological uptake, media absorption or any other physical, biological, or chemical process.

Wet Season means the period beginning on October 1st and ending at midnight on April 15th, annually.

10.04.020 Illicit Discharges Prohibited.

No person shall cause any Illicit Discharge to enter the MS4 unless such discharge: (1) is authorized by an NPDES permit; or (2) is associated with emergency fire fighting activities; or (3) is a Permitted Discharge which is exempt or conditionally exempt in accordance with an applicable order of the California Regional Water Quality Control Board - Los Angeles. No Pollutant in Storm Water may be discharged to the MS4 unless the Pollutant has been reduced to the maximum extent practicable.

10.04.030 Illicit Connections Prohibited.

No person shall use or suffer the use of any Illicit Connection to convey an Illicit Discharge or any Pollutant to the MS4 from premises of which that person is an owner or is the person in charge of day-to-day activities. Illicit Connections are prohibited by the Clean Water Act, NPDES MS4 Storm Water Permits issued by the California Regional Water Quality Control Board - Los Angeles and this Chapter. The owner and the person in charge of day-to-day activities of premises at which an Illicit Connection is located shall obtain a permit for, or remove, the Illicit Connection within one hundred and eighty (180) days of confirmation of discovery of the Illicit Connection.

10.04.040 Control of Pollutants from Sites of Industrial Activity

A. It shall be a violation of this Chapter for any person or entity required under federal or state law to comply with the requirements for a NPDES General Industrial Activities Storm Water Permit (GIASP) for a facility or activity in the City to operate such facility or activity in the City which discharges to the City's MS4 without complying with all applicable requirements for a General Industrial Activities Storm Water Permit.

B. Any person or entity in the City required to have a General Industrial Activities Storm Water Permit for a facility or activity in the City which discharges to the City's MS4 shall retain at such facility or activity the following documents which evidence compliance with General Industrial Activities Storm Water Permit requirements: (i) a copy of the Notice of Intent to comply with the General Industrial Activities Storm Water Permit; (ii) a waste discharge identification number (WDID) issued by the State Water Resources Control Board; (iii) a Storm Water Pollution Prevention Plan (SWPPP) (iv) any required Storm Water quality data; and (v) a plan containing urban runoff Best Management Practices (BMPs).

C. Any person or entity in the City required to have a General Industrial Activities Storm Water Permit for a facility or activity in the City which discharges to the City's MS4, upon request from a duly authorized officer of the City, shall make available to the City for review, copying and inspection all of the documents described in Subsection B of this Section during any City Storm Water-related educational program or inspection and shall demonstrate compliance with such General Industrial Activities Storm Water Permit, including but not limited to demonstration of the adequacy of, and compliance with, any required SWPPP and all applicable BMPs.

10.04.050 Spills, Dumping and Disposal Prohibited

A. No person shall dump, deposit, release, spill, leak, pump, pour, emit, empty, discharge, inject, bury or dispose into the environment any Solid Waste or liquid waste, including any Pollutant, in or upon any part of the MS4, or upon any public or private premises in the City, or to cause, suffer, or permit any Solid Waste or liquid waste or other Pollutant to come to be located upon, in, on or under any premises in the City, except in an authorized or permitted solid waste container or at an authorized or permitted solid waste facility or publicly owned or privately owned treatment works.

B. No person shall dispose of leaves, grass or other clippings, dirt or any other landscape debris into any part of the MS4.

C. No person shall dispose of any pesticide, fungicide, or herbicide banned by, or not registered with, the United States Environmental Protection Agency or the California Department of Pesticide Regulation, or its successor, into any part of the MS4.

D. No person shall dispose of any Hazardous Material into any Civic Litter Container or any other trash receptacle accessible to the public.

E. No person shall pour oil or grease, or the residue of oil or grease onto any parking lot, or any part of the MS4.

F. No person shall place any washout water or other liquid in any container for the disposal of Solid Waste.

G. No person shall wash Restaurant or Automotive Service Facility floor mats in any place where the wash or rinse water may flow into any part of the MS4.

10.04.060 Best Management Practices Required.

The owner, occupant or other person in charge of day-to-day operation of each premises within the City shall implement Best Management Practices as follows:

(a) The owner or other person in charge of day-to-day operation of parking lots with more than 25 parking spaces exposed to Storm Water which parking lots are associated with industrial or commercial activities, according to the United States Office of Management and Budget Standard Industrial Classification Code, shall use BMPs to reduce the discharge of Pollutants to the maximum extent practicable. Such measures may include regular sweeping or other measures, if effective.

(b) The owner or other person in charge of day-to-day operation of premises where machinery or other equipment which is repaired or maintained, at facilities or activities associated with industrial or commercial activities, according to the United States Office of Management and Budget Standard Industrial Classification Code, shall use BMPs or other steps to prevent discharge of maintenance related or repair related Pollutants to the MS4.

(c) For other premises exposed to Storm Water, the owner, occupant or other person in charge of day-to-day operations shall use BMPs, if they exist, or other steps to reduce the discharge of Pollutants to the maximum extent practicable, including the removal and lawful disposal of any Solid Waste or any other substance which, if it were to be discharged to the MS4, would be a Pollutant, including fuels, waste fuels, chemicals, chemical wastes and animal wastes, from all parts of the premises exposed to Storm Water.

10.04.070

Construction Activity Storm Water Measures.

A. Each person applying to the City for a grading or building permit for projects for which compliance with regulations governing State Construction Activity Storm Water Permits (“GCASPs”) is required, must submit satisfactory proof to City (i) that a Notice of Intent (NOI) to comply with the GCASP has been filed and (ii) that a Storm Water Pollution Prevention Plan has been prepared, before the City shall issue any grading or building permit on the construction project. A copy of the NOI and the SWPPP shall be maintained on-site during grading and construction and shall be made available for inspection, review and copying upon the request of any City inspector.

B. It shall be a violation of this Chapter for any person or entity required under federal or state law to comply with the requirements for a State Construction Activity Storm Water Permits (GCASP) for construction activity in the City to conduct, authorize or permit construction activities in the City at any facility which discharges to the City's MS4 without complying with all applicable requirements for a GCASP.

C. Each person applying for a grading or building permit for any project for which compliance with regulations governing State Construction Activity Storm Water Permits is not required, shall submit to the City for information, and shall implement a grading and construction activity runoff control program adequate to accomplish all of the following:

1. Retain on-site the sediments generated on or brought to the project site, using Treatment Control or Structural BMPs;

2. Retain construction-related materials and wastes, spills and residues at the project site and prevent discharges to streets, drainage facilities, the MS4, receiving waters or adjacent properties;
3. Contain non-Storm Water runoff from equipment and vehicle washing at the project site; and
4. Control erosion from slopes and channels through use of effective BMPs, such as limitation of grading during the wet season, inspection of graded areas during rain events; planting and maintenance of vegetation on slopes, if any, and covering any slopes susceptible to erosion.

D. No person generating or producing pavement sawcutting wastes in any street, curb or sidewalk in the City shall fail to recover and properly dispose of such sawcutting wastes, and in no case shall such wastes be permitted or suffered to enter any part of the MS4, including, but not limited to any storm drain.

E. No person performing street and road maintenance in any street in the City shall fail to manage street and road maintenance materials in a manner which prevents such materials from being discharged to the MS4.

F. No person shall wash any concrete truck or any part of any concrete truck, including, but not limited to any chute, pump or tools, in any place in the City except an area designated for that purpose by the City, if the City has designated such a place. No person shall permit or suffer any concrete rinseate or washwater from any truck, pump, tool or equipment to enter any drain, open ditch, street or road or any catch basin or any other part of the MS4.

10.04.080 Violations.

Violation of any provision of this Chapter, any Storm Water Pollution Prevention Plan, any provision of any permit issued pursuant to this Chapter, or any Administrative Compliance Order issued pursuant to this Chapter shall be a misdemeanor.

10.04.090 Notices of Violation; Administrative Orders; and Enforcement.

A. The Director of Public Works, or the Director's designees, may issue Notices of Violation and Administrative Compliance Orders to achieve compliance with the provisions of this Chapter, any approved Storm Water Pollution Prevention Plan or any permit issued pursuant to this Chapter. Failure to comply with the terms and conditions of such a Notice of Violation or an Administrative Order shall constitute a violation of this Chapter.

B. The City Attorney may bring civil and criminal actions to enforce this chapter, including, but not limited to, the provisions of any Administrative Compliance Order, any Storm Water Pollution Prevention Plan or any permit issued pursuant to this Chapter.

10.04.100 Nuisance.

The violation of any provision of this Chapter is hereby declared to be a nuisance, and may be abated by the City in accordance with its authority to abate nuisances.

10.04.110 Remedies not Exclusive.

The remedies listed in this Chapter are not exclusive of any other remedies available to the City under any applicable federal, state or local law and it is within the discretion of the City to seek cumulative remedies.

10.04.120 Inspections; Searches. Whenever necessary to make an inspection to enforce any provisions of this Chapter, the enforcement officer for the City may enter any property in the City regulated by this Chapter in a manner authorized by State law and take samples; inspect, review and copy records relevant to any Illicit Connection, Illegal Discharge or the Discharge of any Pollutant. The owner or other person in charge of day-to-day activities at the premises, upon request of any City inspector, shall make available for inspection, review and copying any required GIASP, GCASP, NOI, BMPs, SWPPP and any permit relevant to the reduction of the Discharge of any Pollutant to the maximum extent practicable.

10.04.130 Fees.

The City Council may establish fees for the services provided under this Chapter. Such fees shall be fixed and established from time to time by the City Council by resolution.”